



Joeann E. Walker

The Court will rely on defendants' opposition to the motion to strike filed on 7/23/2020. (Doc. #36). Plaintiff's reply, if any, is due 8/7/2020.

The Clerk is instructed to terminate the first-in-time motion to strike. (Doc. #30).

SO ORDERED:

Vincent L. Briccetti, U.S.D.J.

7/31/2020

BY ECF

The Honorable Vincent L. Briccetti, U.S.D.J.
United States District Court for the Southern Dis
300 Quarropas Street, Room 630
White Plains, NY 10601

Re: *Charter Contracting Company, LLC v. Orange & Rockland Utilities, Inc.*, Index
No. 7:20-cv-00795-VB

Dear Judge Briccetti:

I represent Defendants Orange & Rockland Utilities, Inc. and Consolidated Edison Company of New York, Inc. (collectively "Con Edison") in the referenced action. On June 23, 2020, Plaintiff Charter filed a Motion to Strike the Declaration of Gregory B. Eiband [Docket No. 30]. On July 23, 2020, Con Edison opposed this motion arguing, among other things, that Charter failed to comply with Local Rule 7.1 [Docket No. 36]. In responding to that argument and instead of withdrawing its previously filed Motion to Strike, Charter just re-filed its Motion to Strike to purportedly comply with Local Rule 7.1 [Docket Nos. 37 and 38]. For clarity and to ensure that Con Edison is not waiving any arguments, Con Edison relies on its initially filed Opposition to the Motion to Strike [Docket No. 36] to oppose Charter's re-filed Motion to Strike [Docket Nos. 37 and 38].

Respectfully,

Joeann E. Walker

cc: Kenneth J. Flickinger, Esq (via ECF)
Peter F. Carr, II, Esq (via ECF)